

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Monday, June 20, 2022

I. CALL MEETING TO ORDER

Meeting was called to order by Mayor Baull at 6:02 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Theresa Ulrich, Councilman William Labor, Town Administrator Cynthia Brought, and Town Solicitor Greg Morris. Councilman William Chandler was in attendance via telephone. Councilman Norwood Truitt was not present. See sign in sheet for others in attendance.

II. PUBLIC COMMENT

No public comment was made.

III. PUBLIC HEARING

A Resolution to consider an Ordinance to amend Chapter 130-5 by adding annexation/de-annexation impact fees

An Ordinance to amend Chapter 130-5 to the Municipal Code of the Town of Dagsboro by adding annexation/de-annexation impact fees

Town Solicitor Morris instructed those in attendance as to how the public hearing works. He confirmed with Town Administrator Brought that the Notice for Public Hearing was published; she stated "yes it was." Those in favor of the Resolution/Ordinance may speak first and those in opposition shall be permitted to speak afterwards. When you speak, please identify yourself, your address and limit your comment to five (5) minutes. Any member of council may ask questions of the speaker or staff pertaining to the comments made by any of the speakers. After all persons desiring to be heard have had an opportunity to speak, the public hearing will be closed upon a proper motion by Council. The Mayor shall then inquire if Council desires to discuss the matter any further and then they shall consider whether or not they are going to vote for or against the proposed Resolution/Ordinance.

Mayor Baull asked if there was anyone that wanted to speak in favor of the Ordinance to amend Chapter 130-5 to the Municipal Code of the Town of Dagsboro by adding annexation/de-annexation impact fees. Having heard none he asked if there was anyone who would like to speak against this Ordinance. Having heard none for or against the Ordinance the Public Hearing is closed and turned over to Town Council for any questions, concerns or statements that they may have.

Mayor Baull asked if there was any further discussion needed by Council. Vice-Mayor Ulrich stated that she felt it had been discussed thoroughly in the past. Mayor Baull stated that he felt Council were all in agreement that the numbers on section 2 were sufficient numbers to cover what is needed to be covered. Town Solicitor Morris stated that Engineering Consultant Gulbranson was a great help in coming up with those numbers. Councilman Labor asked, in regard to the previously discussed \$1500 professional fees, if the fees didn't reach that amount if the Town would credit it back to the applicant. Town Administrator Brought stated that would not be the case it was left at a flat fee. If the applicant has a hardship they can come before Town Council.

Councilman Chandler made a motion to accept the Resolution to consider an Ordinance to amend Chapter 130-5 by adding annexation/de-annexation impact fees. Councilman Labor seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

Vice-Mayor Ulrich made a motion to approve the Ordinance to amend Chapter 130-5 to the Municipal Code of the Town of Dagsboro by adding annexation/de-annexation impact fees. Councilman Chandler seconded the motion. The vote was 3-1-0 with Councilman Labor voting nay and Councilman Truitt being absent.

IV. PLANNING & ZONING

Recommendation Cea Dag Court

Brad Connor/Kyle Gulbranson

Brad Connor, P&Z Chairperson, stated that the applicant Capstone, Jake Booth, is proposing two new buildings comprised of six townhouse units each. The proposed buildings are the final phase of the Cea Dag Development. The parcel is zoned MR – Medium Residential (formerly HR – High Density Residential). The community is grandfathered under the HR – Zoning District regulations.

Mr. Connor stated that the proposed townhouses will have garages and be nicer than the existing homes. He stated that they have not seen house plans but is assuming that they will be three story townhomes.

The plan before the Town is the Preliminary Plan of the last phase of the Cea Dag Development. It meets the Town's requirements for a Preliminary Plan and should be okay to approve.

They will need to submit a Final Plan that includes utilities, water and sewer, as well as, the landscaping and the lighting plan. Before the Town can approve the Final Plan the applicant must have appropriate approvals from the Fire Marshal's Office and Sussex Conservation District and DNREC – Drainage Section. There is an issue with the Tax Ditch easement that encroaches on one unit. The applicant is aware and they are working with DNREC to modify the easement. The ditch is mapped incorrectly and was actually moved during the construction of Royal Farms.

Mayor Baull asked Mr. Booth what the construction timeline was going to be once everything was in place. Mr. Booth stated that his understanding is that once Dagsboro has given approval for the site

plan the next step would be with DNREC for a court order to move the Tax Ditch. Assuming that the process takes a couple of months, they would like to submit for final approvals but they would potentially start in the late fall or early winter.

Councilman Chandler asked if the units being planned are for rentals or single family residential units that would be sold on the marketplace. Mr. Booth stated that the plan is multifamily built to sell units but not to say the buyer would not rent the unit.

Vice-Mayor Ulrich asked how many total buildings that would make in Cea Dag. Mr. Booth stated that with these two additional would be fourteen buildings total. Mr. Booth stated that Capstone is under contract for the remaining two buildings.

Vice-Mayor Ulrich asked about the infrastructure being good for the new buildings. Town Administrator Brought stated that it was all approved prior to his application. Mr. Booth stated that one thing, in regard to the infrastructure, which will be on the plan to be submitted, is that the curb cuts are probably not exactly where they should be, and that would be the only thing to be modified from the original plans.

Vice-Mayor Ulrich made a motion to approve the Preliminary Site Plan for the last phase of the Cea Dag Development. Councilman Labor seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

Mr. Connor stated that he is pleased to advise Council that the Town will be receiving the \$400,000 grant money that the Town had applied for from the Bond Bill 2023. He stated that he has been working with the parties to be in Legislature and this is the second year to receive money and it is greatly appreciated.

Councilman Labor asked what the grant money was for. Town Administrator Brought stated that it is for the construction of the new police station and meeting room.

Introduction Ryan Stuckey – Toy, Coffee, Ice Cream Business – Main Street

Brad Connor, P&Z Chairperson, stated that Mr. Stuckey attended the P&Z meeting last month and relayed his plans for the old coffee shop. Mr. Stuckey wanted to introduce himself to Town Council.

Mr. Stuckey stated that they are hoping to be open in a couple of weeks. They are currently working on the retail side which will be toys and games with an emphasis on outdoor activities and less screen time. They will continue to serve coffee and baked goods but also add ice cream. Vice-Mayor Ulrich asked what the hours were going to be. Mr. Stuckey stated that he would like to be open until 8pm and later on nights when a good movie is playing at Clayton Theatre, but will adjust if the need is there.

V. APPROVAL OF MINUTES

May 16, 2022 Regular Town Council Meeting Minutes

May 16, 2022 Executive Minutes

Councilman Labor made a motion to approve the minutes as presented. Vice-Mayor Ulrich seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

VI. CONSENT AGENDA

a. Police Department Report

Sergeant Disciullo presented the May stats and stated that it was a very productive month. He felt the increase across the board was due to the uptick of summer.

Sergeant Disciullo stated that one of the pick-up trucks has been fully outfitted and ready to go. He stated that they found a new supplier for the equipment and it was completed within a few weeks. He stated that portable radios and in car radios run anywhere from \$4500 to \$6000 a unit. The State Police are upgrading their radio systems and are giving the Dagsboro Police Department three of their units. Sergeant Disciullo stated that he was able to acquire two portable units from a grant which was about \$13,000.

Sergeant Disciullo stated that they did have non certified testing a few weeks ago and neither candidate passed the initial testing. There is another non certified test on Wednesday, June 22nd. There are also a few certified officers interested in the position.

- b. Treasurer's Report
- c. Administrative Report
- d. Building Official Report
- e. Code Enforcement Report
- f. Meeting Reports
- g. Water Department Report
- h. Prince George's Chapel Cemetery Report
- i. Correspondence

Councilman Labor made a motion to approve the consent agenda. Councilman Chandler seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

VII. NEW BUSINESS

a. Artesian Contract – Licensed Operator Services 22-23

Town Administrator Brought stated that the contract did increase from last year by \$602.88. This is the weekly operations contract, they come in and test the water and do water utility locations.

Councilman Chandler questioned if optional services is not part of the contract or is this something you could get if you wanted it. Town Administrator Brought stated that was correct and we have not done that in the past. We go with the basic licensed operator services only. In the event that we had an emergency they would respond but at that cost. Councilman Chandler stated that was his concern, that if a pipe burst we could still call Artesian. Councilman Chandler asked who the Town contact person was in the event of an emergency. Town Administrator Brought stated that it would be her and Stacy if she wasn't available.

Councilman Labor made a motion to approve the Artesian contract for Licensed Operator Services for 2022-2023 as presented. Councilman Chandler seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

b. Delmarva Power – LED Lighting Interest

Town Administrator Brought stated that Jim Smith of Delmarva Power stopped in to see if the Town would be interested in LED lighting. The LED lighting is free and you are allowed 10 a year and all the work is completed by Delmarva Power. LED lighting improves the light and the longevity of the light. As far as use of power it will be cheaper for the Town. She has spoken to the Town of Frankford and they felt it had been wonderful and have not had any issues with it. The biggest decision is deciding where to start and you would normally start on the main streets but she felt that Swamp road is in dire need of an update as we get complaints about how dark it is. She stated that Mr. Smith did state that the only concern is some may not like the brightness, but if we were to receive complaints, they could install the shield like what was done at Royal Farms when Cea Dag residents complained.

Sergeant Disciullo stated that he has seen the ones in Frankford and he felt that they are more defined in areas installed. He felt that it would help the police department as well for pedestrian safety.

Councilman Chandler made a motion to authorize Town Administrator Brought to execute the application for LED lighting. Vice-Mayor Ulrich seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

c. ARPA Funds – Potential Usage of ARPA Funds for Personnel

Town Solicitor Morris stated that upon his review of the email from the Deputy Secretary of the Treasury. The ARPA funds could be used to assist the police and specifically there were various aspects to the email and the Treasury's urging State and Local governments to continue to use SLFRF funds to confront the most pressing challenges that the economy and community face. They identify two which are expanding the workforce and providing competitive wages as well as keeping our families and communities safe. A lot of communities as identified by the secretary have been using the resources to improve their public safety and to provide a comprehensive approach to preventing and reducing violence. Governments across the country have used the funds to keep police officers on the beat in their communities preventing cuts to the public safety departments amid revenue losses caused by the

pandemic and providing bonuses for recruitment and retention of police officers. Town Solicitor Morris felt that this was a great opportunity for the Town to use the funds for the police or public safety.

Sergeant Disciullo stated that he and Town Administrator Brought reviewed the grant amount and broke down what would be the best use of that money. Together they compiled a three year plan. He stated that retention is number one. Unfortunately you can't find anyone to work the jobs, therefore they felt that rewarding the current employees that have been here and have been doing the work, should be the ones that benefitted. They both would like to keep the employees they currently have.

As for recruitment for the police department based on the last recruitment test dates there are not a lot of qualified applicants applying. They developed a new pay scale based on competitiveness with other departments of comparable size to be able to compete with new recruit hiring, essentially putting a new hire through the academy.

They compared departments of similar size and monthly complaint stats to mimic and be fair. They felt that a three year plan would be a good amount of time to let the town grow in terms of development and housing to have that revenue start flowing in. The pay increase would be 20% for everyone as well as hire Wendy Rayne full-time instead of part-time with the grant funds. It was budgeted for one more full time police officer. One was already budgeted and now one is to be included on the grant. It is two open positions which would bring the staffing where it really needs to be at this time. That would give a minimum of two officers working at a time depending on vacation and sick time. As it stands right now Corporal Valenti and Corporal Glaeser work the same shift and Sergeant Disciullo is by himself every other weekend and every weekday after Chief Flood leaves. Therefore, the first hire would be on Sergeant Disciullo's shift and the second hire would give flexibility with scheduling. Year two and three have a 3% increase which they felt was fair with everything else they looked at and the numbers fit within that grant parameter.

Councilman Labor asked if after the three years the projections for what is expected in growth will match what is thought to be the deficit after the budget ends. Town Administrator Brought stated that they believe so. Councilman Labor asked if it was because our workforce is small that we couldn't do a performance based raise versus the flat percentage as it would benefit the employees that are really performing and that go above and beyond. Sergeant Disciullo stated that when comparing the other agencies most of the base salaries for police were based on rank and percentages. He stated that they are able to make up performance with the overtime grant that they receive. Officers that do work hard and meet the numbers would get first choice on the overtime hours versus someone who is not producing, which is how it has been done in the past. This also keeps the expense off the Town by doing it this way. Councilman Labor asked Town Administrator Brought if the administrative employees had yearly evaluations. She stated that evaluations are done yearly but not necessarily an increase each year. Councilman Labor asked not a cost of living increase even? She stated no, not in the administrative office. The police have it built in at 1% every year. Town Administrator Brought stated that this plan does give the administrative staff an increase. Sgt. Disciullo stated that right now the 3% is lower than inflation itself, however, they wanted to make it fit in the money constraints of the grant.

Councilman Labor stated that his biggest concern was to be at the end of the three years and not have a plan to keep this recurring.

Vice-Mayor Ulrich asked if this money had anything to do with the money set aside for the new police station/meeting room. Town Administrator Brought stated, "no," that money is in a separate new construction fund, this money is COVID funds. Vice-Mayor Ulrich stated that she has a concern for the end of the third year, where the money is going to come from for the increases, because there will be two new police officers. Town Administrator Brought stated that there should be several new developments and new businesses making up for that. Sgt. Disciullo stated that they wanted to give the new officers the opportunity to make money at current ranks and the longer they stay. Vice-Mayor Ulrich stated that she would hate to see at the end of the third year, having to let a police officer go. Town Administrator Brought stated that we are expecting growth with some developments and foresee new businesses which will help.

Councilman Chandler stated that he felt that Sgt. Disciullo and Town Administrator Brought put together a logical proposal, but agreed with Vice-Mayor Ulrich about there being a whim and a prayer to it. The whim and the prayer is that the growth is sufficient in the out years to fund it. Right now the ARPA Funds are being used, which is great and agreed that this was a great way to use them, than any other way. He stated that he has spoken to a couple of real estate agents and they have said that they can see the markets turning already. One of the agents was contacted by two major banks to see if they would head up a foreclosure unit for those banks in Sussex County. Councilman Chandler stated that there is concern given the micro and the macro economic conditions.

Councilman Chandler made a motion to approve the use of the ARPA Funds as presented for personnel. Vice-Mayor Ulrich seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

VIII. OLD BUSINESS

a. Discussion and Vote of Approval 2022-2023 Budget

Councilman Chandler stated that the budget, as proposed, indicates that there will be fewer expenses and more income than last year and questioned how that is. Town Administrator Brought stated that is because we see what was really spent and try to bring the expenses down. She stated a lot of the expenses were down because of the grants that the police received which is a huge contributor and helps our budget tremendously.

Councilman Labor stated that he has a hard time understanding the layout of information given to the Council for review of the budget. He asked if there was a way to get a bar chart where Council could see projected versus actual month after month. Town Administrator Brought stated that this is the way it was setup through the auditors. She stated that if Council wants to see charts etc they are probably available in Quickbooks but she is not familiar with that part of it. She stated that she could show each month where the town compared to the budget.

Vice-Mayor Ulrich asked if the wages were going down because funds are being pulled out and additional salaries put in the Water Fund. Town Administrator Brought stated that is correct. She stated that there used to be a lot of the salary in the Water for some reason, but the water department wasn't doing so well so a good bit was moved over to the General Fund. Vice-Mayor Ulrich questioned the total police \$346,000 for last year and \$15,000 on page 10. Mayor Baull stated that the \$15,980 shouldn't be there. Town Administrator Brought stated that it added in \$254,695 for the salaries and it should not have. Vice-Mayor Ulrich stated that the \$346,000 was from last year. Town Administrator Brought stated that they will make that correction and re-send to Council.

Vice-Mayor Ulrich made a motion to approve the budget for the 2022-2023 fiscal year. Councilman Chandler seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

Before going into Executive Session Sgt. Disciullo asked about beard policy. They have a potential candidate who has a full beard, but current policy limits facial hair and no full beard. The Mayor and Council felt that if it was ok with the Chief of Police and the Police Department. Town Solicitor Morris advised that this would be done by the Chief of Police.

IX. EXECUTIVE SESSION

a. Discussion and Review of Potential Site Acquisition

Councilman Labor made a motion for Town Administrator Brought to send an email to the owner's of property (TMP# 2-33-11.10-28.00) appreciating their final offer, but decline at this time and would like to leave the door open for future negotiation. Vice-Mayor Ulrich seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

X. PUBLIC COMMENT

No public comment was made.

XI. ADJOURNMENT

Vice-Mayor Ulrich made a motion to adjourn. Councilman Labor seconded the motion. The vote was 4-0 with Councilman Truitt being absent.

Meeting adjourned at 7:25 p.m.

Respectfully Submitted,
Stacy West, Town Clerk